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ORDER E-FILED ON 11/28/05

5 Attorneys for Defendant
DIGITAL NETWORKS
6 NORTH AMERICA, INC.

7

UNITED STATES DISTRICT COURT

9 NORTHERN DISTRICT OF CALIFORNIA

10 SAN JOSE DIVISION

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12 EASTECH ELECTRONICS (TAIWAN),
13 INC., a Taiwan corporation,
14 Plaintiff,
15 vs.
16 DIGITAL NETWORKS NORTH
17 AMERICA, INC., a Delaware corporation,
18 Defendant.
Case No. CV04-04542-HRL
JOINT STIPULATION TO CONTINUE
SETTLEMENT CONFERENCE;
DECLARATION OF THEODORE K.
BELL IN SUPPORT THEREOF; AND
[PROPOSED] ORDER CONTINUING
SETTLEMENT CONFERENCE
[FIRST REQUEST]

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1 Defendant Digital Networks North America, Inc. ("DNNA") and Plaintiff Eastech
2 Electronics (Taiwan), Inc. ("Eastech") respectfully request that this Court grant the Order,
3 attached hereto, continuing the date of the Settlement Conference currently scheduled for
4 November 30, 2005. Both Eastech and DNNA stipulate to a continuance of the Settlement
5 Conference until January 2006, and respectfully request January 25, 2006, if that is
6 convenient for the Court. Pursuant to Local Rule No. 6-2(a), the factors necessitating this
7 request are contained in the accompanying Declaration of Theodore K. Bell.

8 Dated: November 21, 2005

PILLSBURY WINTHROP SHAW PITTMAN LLP

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By: _____ /s/
Theodore K. Bell
Attorneys for Defendant
Digital Networks North America, Inc.

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Dated: November 21, 2005

LATHAM & WATKINS LLP

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By: _____ /s/
Keith J. Wesley
Attorneys for Plaintiff
Eastech Electronics (Taiwan), Inc.

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DECLARATION OF THEODORE K. BELL

THEODORE K. BELL declares as follows:

3 1. I am an attorney in good standing with the State Bar of California and an
4 associate with the law firm of Pillsbury Winthrop Shaw Pittman LLP, counsel of record for
5 Defendant Digital Networks North America, Inc. (“DNNA”) in the above-captioned case. I
6 have personal, first-hand knowledge of the facts set forth below, and if called upon to do so,
7 could and would testify competently thereto under oath.

8 2. Plaintiff Eastech Electronics (Taiwan), Inc. (“Eastech”) filed its Complaint
9 against DNNA in this action on October 27, 2004. The Honorable Jeremy Fogel conducted
10 an Initial Case Management Conference on April 1, 2005 and this case was referred to this
11 Court for a settlement conference. This Court set the Settlement Conference for
12 November 30, 2005 (Docket No. 18) as initially requested by the parties through their
13 counsel. The parties are jointly requesting a continuance of the Settlement Conference at
14 this time to enable the parties to conduct key depositions prior to the Conference, and to
15 facilitate the schedule of the party representatives who will need to travel from out of the
16 country and out of state to attend the Settlement Conference.

17 4. Since the filing of the lawsuit, the parties have diligently conducted
18 discovery. The parties have now substantially completed written discovery and have
19 noticed depositions. Counsel for both parties believe the Settlement Conference would be
20 more meaningful if each side had the opportunity to take one key deposition prior to the
21 Settlement Conference. The parties have been attempting to schedule these depositions for
22 some weeks, but the scheduling has been challenging because Eastech's key witness resides
23 in Asia and DNNA's key witness is a former employee who travels extensively on
24 business. The DNNA deposition has been noticed for November 23, 2005 and the Eastech
25 deposition has been noticed for January 9, 2006.

26 5. The person most likely to attend the Settlement Conference on behalf of
27 Eastech resides in Asia, and the person most likely to attend on behalf of DNNA resides in
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1 Indiana. Neither representatives are currently available to travel to California on
2 November 30.

3 I declare under penalty of perjury under the laws of the State of California that the
4 foregoing is true and correct. Executed at Palo Alto, California, on November 21, 2005.

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/s/

7 Theodore K. Bell

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